

CHAPTER 263

AGRARIAN RESEARCH AND TRAINING INSTITUTE

Act No. 5 of 1972. AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AGRARIAN RESEARCH AND TRAINING INSTITUTE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[21st February, 1972.]

Short title. 1. This Act may be cited as the Agrarian Research and Training Institute Act. factors affecting the development of agriculture ;

PART I

CONSTITUTION, OBJECTS, POWERS AND FUNCTIONS OF THE AGRARIAN RESEARCH AND TRAINING INSTITUTE

Establishment of the Agrarian Research and Training Institute. 2. (1) There shall be established an Institute which shall be called the Agrarian Research and Training Institute (hereinafter referred to as the "Institute"), and which shall consist of the persons who are for the time being members of the Institute under section 6.

(2) The Institute shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The members of the Board of Governors shall be the members of the Institute.

General objects of the Institute. 3. (1) The general objects of the Institute shall be—

- (a) to foster, assist, encourage and co-operate in agrarian research ;
- (b) to co-ordinate agrarian research undertaken by Government departments, local authorities, public Corporations and other institutions ;
- (c) to carry out investigations and research relating to institutional

(d) to undertake investigations, research and studies relating to economic use of land for agricultural purposes ;

(e) to carry out socio-economic research relating to agricultural and rural development ;

(f) to provide or implement training facilities and programmes relating to agrarian research, either alone or in association with other institutions in Sri Lanka or abroad and to award diplomas, degrees, prizes and distinctions in connexion therewith ;

(g) to sponsor and hold conferences and seminars, and publish journals and magazines in connexion with agrarian research and training ;

(h) to carry out such research relating to problems of agrarian structure in co-operation with Asian countries in order to serve their regional needs and provide a centre for the collection and dissemination of information on agrarian problems ; and

(i) to relate such research to problems connected with agrarian development and modernization with special reference to Sri Lanka and other Asian countries in general.

(2) It shall be the duty of the Institute to advise the Minister on any or all of the matters referred to in subsection (1) and on any other matter that may be referred to the Institute for advice by the Minister.

Powers of the Institute.

4. The Institute shall have such powers, rights and functions as may reasonably be necessary to carry out its objects and duties and in particular may—

- (a) acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;
- (b) acquire, establish, install and operate field training centres and pilot projects relating to agrarian research ;
- (c) import plant, machinery and equipment required for the purpose of the Institute and receive equipment, funds, personnel and any other assistance for the efficient conduct of the Institute ;
- (d) conduct, assist, co-ordinate and encourage research into all aspects of agrarian development ;
- (e) levy fees or charges for any services rendered by the Institute ;
- (f) appoint, employ, remunerate and exercise disciplinary control over its officers and servants ;
- (g) establish and maintain provident funds and provide welfare and recreational facilities for its employees ;
- (h) make rules in respect of the administration of the affairs of the Institute ;
- (i) delegate to any member, the Director of the Institute, or any employee such functions as the Board of Governors may consider necessary for the efficient transaction of its business ;

(j) make rules in relation to its officers and servants including the appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave ;

(k) enter any land or premises for the purpose of carrying out investigations and recording data, inspection of books and documents and taking copies or extracts therefrom, relating to agricultural development ; and

(l) do all other things which in the opinion of the Board of Governors are necessary or conducive or incidental to the attainment of the objects of the Institute.

5. In the exercise of its powers and the carrying out of its objects, the Institute shall comply with the general policy of the Government in relation to agriculture and lands and with any general or special direction issued by the Minister in relation to such policy.

Institute to exercise its powers under the directions of the Minister.

6. (1) The Institute shall have a Board of Governors (hereinafter referred to as the "Board"), consisting of—

Constitution of the Board of Governors.

- (a) a Chairman, who shall be the Secretary to the Ministry charged with the subject of Agriculture ;
- (b) the following members appointed by the Minister, namely—
 - (i) a representative of the Ministry charged with the subject of Agriculture,
 - (ii) a representative of the Ministry charged with the subject of Planning,
 - (iii) a representative of the Ministry charged with the subject of Irrigation,
 - (iv) a representative of the Ministry charged with the subject of Plantation Industries,

- (v) a representative of the Ministry charged with the subject of Trade,
- (vi) a representative of the Ministry charged with the subject of Education,
- (vii) a representative of the Ministry charged with the subject of Labour,
- (viii) a representative of the Central Bank of Ceylon,
- (ix) a representative of the University of Ceylon* ; and
- (c) the following *ex officio* members, namely—
- (i) the Director of Agriculture,
- (ii) the Director of the Institute,
- (iii) the Land Commissioner,
- (iv) the Commissioner of Agrarian Services,
- (v) the Director of Irrigation,
- (vi) the Commissioner of Co-operative Development,
- (vii) the Director of Rural Development,
- (viii) the Country Representative of the Food and Agricultural Organization,
- (ix) the Representative of the United Nations Development Programme in Sri Lanka, and
- (x) the Chief Advisor and Project Manager of the United Nations Special Fund, Agrarian Research and Training Institute Project in Sri Lanka.
- (2) A person shall be disqualified for being appointed, or for continuing, as a member of the Board—
- (a) if he is a Member of Parliament ; or
- (b) if he, directly or indirectly, holds or enjoys any right or benefit under any contract made by or on behalf of the Institute ; or
- (c) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board.
- (3) (a) Where a member of the Board appointed under paragraph (b) of subsection (1) dies or resigns or is removed from office, the Minister may, having regard to the provisions of that paragraph of that subsection, appoint another person to be a member in place of the member who dies, resigns or is removed from office.
- (b) Any member of the Board appointed under paragraph (a) of this subsection, shall, unless he earlier resigns or vacates his office by death or removal, hold office for the unexpired part of the term of office of the member whom he succeeds.
- (4) Where a member of the Board appointed under paragraph (c) of subsection (1) is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may, having regard to the provisions of that paragraph, appoint any person to act in his place.
7. (1) Every member appointed under paragraph (b) of subsection (1) of section 6 shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years.
- (2) Every *ex officio* member of the Board shall hold office as long as he holds the post by virtue of which he was appointed a member of that Board.
- (3) Every *ex officio* member of the Board shall be entitled to take part in the

Term of office of members of the Board.

* See also the Universities Act.

deliberations of the meetings of the Board, but shall not be entitled to vote at such meetings.

Power of Minister to remove from office a member of the Board.

8. (1) The Minister may, if he considers it expedient to do so, remove, by Order published in the Gazette, any member of the Board appointed under paragraph (b) of subsection (1) of section 6 without reasons stated.

(2) A member of the Board in respect of whom an Order under subsection (1) is made by the Minister shall vacate his office on the date of the publication of such Order in the Gazette.

(3) The removal of any member under subsection (1) shall not be called in question in any court.

Resignation of members of the Board.

9. A member of the Board other than an *ex officio* member may at any time resign his office by letter addressed to the Minister.

Eligibility for reappointment as member of the Board.

10. Any member who vacates his office, other than a member who is removed from office under section 8, shall be eligible for reappointment.

Acts or proceedings of the Institute deemed not to be invalid by reason of any vacancy or defect in the appointment of a member.

11. No act or proceeding of the Institute shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or defect in the appointment of any member of the Board.

Reimbursement of expenses of members of the Institute.

12. The members of the Institute shall not be paid any remuneration, but shall be reimbursed by the Institute for such travelling, hotel and incidental expenses as they may incur for the purpose of attending meetings of the Institute or for such other purpose connected with the activities of the Institute as may be approved by the Institute.

Meetings of the Institute.

13. Rules may be made under this Act in respect of the meetings of the Institute and the quorum therefor and for the procedure to be followed at such meetings.

Board to administer the affairs of the Institute.

14. The Board shall administer the affairs, may exercise the powers, and shall perform the duties of the Institute.

15. (1) The Board may delegate to the Chairman or any other member or the Director of the Institute or any employee of the Board any of its powers and duties. Delegation of powers and duties of the Board.

(2) The Chairman, other member, the Director or employee to whom any of the powers or duties of the Board have been delegated under subsection (1) shall exercise or perform the powers and duties so delegated subject to general or special directions of the Board.

16. (1) The Minister shall appoint as Chairman of the Board, the Secretary to the Ministry. Chairman and Vice-Chairman of the Board.

(2) The Minister may, in consultation with the Chairman, appoint a Vice-Chairman from among the members appointed by the Minister under paragraph (b) of subsection (1) of section 6.

(3) If the Chairman or Vice-Chairman is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint one of the members to act in his place.

(4) The Chairman, or in his absence the Vice-Chairman, shall preside at meetings of the Board and in the absence of both the Chairman and the Vice-Chairman, the member appointed by the Minister under subsection (3) shall preside at meetings of the Board.

(5) Where there is an equality of votes on any matter or thing decided at a meeting of the Board, the Chairman at such meeting shall, in addition to his vote, have a second or casting vote.

PART II

APPOINTMENT OF THE DIRECTOR OF THE INSTITUTE AND OTHER OFFICERS AND SERVANTS OF THE BOARD

17. (1) The Minister may appoint to the staff of the Institute a Director who shall be the chief executive officer. Employees of the Institute.

(2) The Director shall execute or perform such powers, functions and duties delegated to him.

(3) The Minister may remove from office the Director appointed under subsection (1) and such removal shall not be called in question in any Court.

(4) The Board may appoint to the staff of the Institute such other officers and servants as may be necessary for the purposes of the Institute.

Powers of the Board in regard to appointments to the staff of the Institute.

18. (1) Subject to the other provisions of this Act, the Board may—

- (a) appoint, dismiss and exercise disciplinary control over the staff of the Institute ;
- (b) fix the wages or salaries or other remuneration of the staff ;
- (c) determine the terms and conditions of service of such staff ; and
- (d) establish and regulate provident funds and schemes for the benefit of such staff and make contributions to any such fund or scheme.

(2) Rules may be made under this Act in respect of all or any of the matters referred to in subsection (1).

Appointment of public officers to the staff of the Institute.

19. (1) At the request of the Board any officer in the public service may, with the consent of that officer and of the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Institute, the provisions of subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957* shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of subsection (3) of section 9 of the Motor Transport Act, No. 48 of 1957* shall, *mutatis mutandis*, apply to and in relation to him.

(4) Where the Institute employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Board any member of the Local Government Service or any other officer or servant of any local authority may, with the consent of such member, officer or servant and the Local Government Service Advisory Board or that local authority, as the case may be, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent, or be permanently appointed to such staff on such terms and conditions, including those relating to pension or provident fund rights as may be agreed upon by the Board and the Local Government Service Advisory Board or the local authority.

(6) Where any member of the Local Government Service or any officer or servant of any local authority is temporarily appointed to the staff of the Institute, he shall be subject to the same disciplinary control as any other member of such staff.

20. (1) Any officer or servant of a public Corporation may, with the consent of such officer or servant and the Board of Directors of such Corporation, be temporarily or permanently appointed to the staff of the Institute on such terms and conditions, including those relating to provident fund rights, as may be agreed upon by the Board of Directors of that Corporation and the Board of Governors of the Institute.

Appointment of officers and servants of public Corporations to staff of Institute.

(2) Where any person is appointed whether temporarily or permanently under subsection (1) to the staff of the Institute, he shall be subject to the same disciplinary control as any other member of such staff.

21. All officers and servants of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Officers and servants of the Institute deemed to be public servants.

* Repealed by Law No. 19 of 1978.

Institute deemed to be a scheduled institution within the meaning of the Bribery Act.

22. The Institute shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

27. (1) Where any immovable property of the State is required for the purpose of the Institute, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Institute.

State property both movable and immovable to be made available to the Institute.

PART III

FINANCE

Capital of the Institute.

23. (1) The initial capital of the Institute shall be such as may be made available to the Institute by the Government on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

(2) Where any movable property of the State is required for the purpose of the Institute, the Minister may, by Order published in the Gazette, transfer to and vest in the Institute the possession and use of such movable property.

(2) The capital of the Institute may be increased from time to time by such amount as may be authorized by any Appropriation Act or by resolution of Parliament, and that amount shall be paid or made available to the Institute by the Government by way of grant or loan on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

28. The Government shall provide for the use of the Institute such land, building and other facilities as may be deemed necessary.

The Government to make available premises, etc., for the use of the Institute.

29. (1) No suit or prosecution shall lie—

Protection for action taken under this Act or on the direction of the Board.

(a) against the Board for any act which in good faith is done or purported to be done by the Board under this Act; or

(b) against any member, officer, servant, or agent for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Board.

Application of the provisions of the Public Corporations (Financial Control) Act.

24. The provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to the financial control and accounts of the Institute.

Financial year of the Institute.

25. The financial year of the Institute shall be the calendar year.

PART IV

GENERAL

Acquisition of immovable property under the Land Acquisition Act for the Institute.

26. (1) Where any immovable property is required to be acquired for any purpose of the Institute and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and be transferred to the Institute.

(2) Any expense incurred by such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done by him under this Act or on the direction of the Board shall, if the court holds that the act was done in good faith, be paid out of the funds of the Board.

30. No writ against person or property shall be issued against a member of the Board in any action brought against the Board.

No writ to issue against person or property of a member of the Board.

31. (1) The Institute may make rules in respect of all or any matter for which rules are authorized or required by this Act to be made.

Power of Institute to make rules.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Institute shall be paid by the Institute.

(2) No rule made by the Institute shall have effect until it has been approved by the Minister.

Powers of the Board or any member thereof or any employee generally or specially authorized to enter into or upon any land or premises.

32. It shall be lawful for the Board or any member of the Board or any officer or employee of the Board acting under the authority of the Board to enter into or upon any land or premises for investigation, recording data, and for ascertaining the growth or development of any agricultural crop on such land or premises.

provisions of subsection (1) or who furnishes information knowing such information to be false, shall be guilty of an offence under this Act.

35. Every person who commits an offence under this Act shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not less than five hundred rupees or to both such fine and imprisonment.

Penalty for offences.

Any person who prevents or obstructs the Board, or any member or authorized employee to be guilty of an offence.

33. Any person who prevents or obstructs the Board or any member of the Board or any officer or employee authorized by the Board in carrying out such entry, investigation or inspection as is referred to in section 32 shall be guilty of an offence under this Act.

36. (1) The Minister may give special or general directions in writing as to the performance of the duties and the exercise of the powers of the Board, and the Board shall give effect to such directions.

Power of Minister to give special or general directions to the Board.

Power to acquire information.

34. (1) The Chairman of the Board, a member, the Director of the Institute or any employee authorized in that behalf by the Board, may request any person to furnish information with regard to any matter within his knowledge relating to any movable or immovable property used or intended to be used for agricultural development or connected or incidental thereto.

(2) The Minister may from time to time direct the Board to furnish to him in writing such information as he may require relating to agricultural development in the Island.

37. In this Act, unless the context otherwise requires, "public Corporation" means any corporation, board or other body which was or is established by or under any written law, other than the Companies Ordinance,* with capital wholly or partly provided by the Government by way of grant, loan or other form.

Interpretation.

(2) Any person who fails, without reasonable cause, to comply with the

* Repealed and replaced by the Companies Act, No. 17 of 1982.